

A Regular Meeting of the Marilla Town Board was held April 8, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

Aurora Women's Softball League asked permission to reserve the baseball diamond at the Town Park on Wednesday evenings beginning May 26th until August 18th at 6:00 p.m. and one Monday night game.

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that East Avenue is going to be paved some time this year, he is not sure of the date yet and he is also trying to get Williston paved between Two Rod Road and Four Rod Road.

Councilman Spanitz reported that the Marilla Free Library will be having an Open House on April 20th from 7:00 p.m. to 9:00 p.m. They will be displaying the quilt that is being raffled for the Sesquicentennial and tickets will be available at the open house. She also reported that Iroquois High School Parent Association is looking for sponsors for their drug free and alcohol free event being held after the prom, anyone interested in contributing can contact her for the name and address of who to send it to.

Councilman Handley reported that Memorial Day letters have gone out to all the youth groups and organizations for the Memorial Day Parade and if anyone is interested please contact the Town Hall. He stated that next week he will be contacting people from the Pavilion Committee to move forward with that.

Councilman Specht reported that the new computer for the Assessors Office is in and running, we just have to down load the old hard drive to the new one. He also stated that he just received the eligibility list from the firemen and that will be posted for 30 days then the Town Board can approve the dollar value.

Supervisor Foss reported that the Town has completed its combined BAN sale and obtained a rate from First Niagara Bank for 1.08%. This is the lowest rate we have ever received and is an indication of the current low interest rates and the sound financial position of the Town of Marilla. The amount of the BAN was \$2,055,000 and will come due on April 7th 2005. When I compare this to four years ago we had a rate of 4.6%, this amounts to about \$80,000 in interest cost savings. We also must remember interest we receive on surplus funds is around 1% and we lose considerable funds from this source of revenue. The total savings is about \$50,000 for the Town of Marilla and certainly helps our budget costs. He stated they had two Sesquicentennial Meetings this past month and everything seems to be moving forward in a very positive manner. There is going to be a lot happening the week of the event, July 25th thru August 1st. We will be sending out newsletters and putting articles in the papers to keep everyone informed. I hope to have a lot more information in the May and June meetings.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve Minutes from the Regular Meetings held on 3/11/04. Motion Carried.

New Business

- Motion: Councilman Specht moved, seconded by Councilman Handley to authorize the Highway Superintendent to attend the Highway Conference in June at Ithaca, New York. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Town Clerk to file the TE9 with the Department of Transportation to reduce the speed limit on Eldridge Road and Stolle Road (from Two Rod Road to the Elma Town line) to 40 mph. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Supervisor to pre-pay Memorial Day expenses. Motion Carried
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize a mens Buffalo and District Soccer League (BDSL) to use the Eastwood Road facilities on Sunday evenings at 6:00 p.m. Motion Carried.
- Motion: Councilman Handley moved, seconded by Councilman Gertz to authorize the Supervisor to sign a contract with Good Riddance, located at 2663 Seneca Street, West Seneca to spray the Town Park and the Memorial Pavilion 3 times for the 2004 season for protection against wasps, hornets and spiders at a cost of \$805. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve a resolution recognizing the week of May 2nd through May 8th as Municipal Clerks Week. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the following resolution:

WHEREAS, the New York State recently amended the Real Property Tax Law to allow local municipalities to increase the maximum eligibility levels for persons sixty-five years of age or older and for persons with disabilities to receive real property tax exemptions and the County of Erie has agreed to increase such levels to the level allowed by New York State; and

WHEREAS, the Town Board believes it is in the best interest of the Town to maintain the same eligibility levels as those maintained by the County of Erie but a public hearing is required prior to approving any such increase.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That a public hearing be held on the proposal to increase the maximum eligibility levels in accordance with the schedule set forth below:
- | Annual Income | Percentage of Assessed Valuation Exempt from Taxation |
|--|---|
| Up to \$24,000 | 50% |
| \$24,000 or more
but less than \$25,000 | 45% |
| \$25,000 or more
but less than \$26,000 | 40% |
| \$26,000 or more
but less than \$27,000 | 35% |

\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%
\$31,500 or more but less than \$32,400	5%
\$32,400 or more	No exemption

2. That the public hearing be held at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York on April 20, 2004 at 7:00 o'clock p.m. to consider the adoption of the eligibility standards as set forth above.
3. That the Town Clerk is directed to publish a notice of public hearing, in form annexed hereto, at least five days prior to the public hearing date specified above.
4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – aye	Councilman Gertz – aye
Councilman Specht – aye	Councilman Handley – aye
Supervisor Foss - aye	

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, by reason of the enactment of 925-d of the Real Property Tax Law, a municipal corporation to which real property tax is owed is authorized, by passing a local resolution, to extend any deadline with respect to the payment of such real property taxes without penalties or interest where said tax is owed by a person who has been deployed by the military, or by the spouse or domestic partners of such deployed person, for real property of such deployed person; and

WHEREAS, a “person deployed by the military” is defined in RPTL 925-d to mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by Presidential Executive Order or Hazardous Duty.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That with respect to real property tax owed by a person who has been deployed by the military, or by the spouse or domestic partners of such person, for real property of a person so deployed, any deadline with respect to the payment of such real property tax without penalties or interest shall be extended for a period of ninety days after the end of such deployment.
2. That the Erie County Director of Veterans Services is requested to

notify the local commanders of each United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard office/unit, including the local Reserve and National Guard components, of this extension of deadline for the payment of the Town of Marilla real property tax along with the notice of the extension of deadline for the payment of County real property tax as set forth in Resolution adopted on March 4, 2004 by the Erie County Legislature, in order that those officials can notify their local soldiers, sailors, airmen and airwoman, and marines of this important issue and extension.

3. That the Town Clerk is directed to prepare and provide certified copies of this resolution to the County Executive and Erie County Director of Veterans Services.

4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gertz – aye

Councilman Specht – aye

Councilman Handley – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve purchase of 2 Sesquicentennial banners and 30 flags from Ace Flag Store at a cost of \$1,985.48. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the following Sanitation Department Policy for Trash pick-up for mixed garbage:

“Garbage will not be sorted to remove unacceptable items. Mixed garbage containing unacceptable material will not be picked up. Any garbage container may be opened as needed to determine its contents. Unacceptable items; leaves, grass, dirt, yard waste, oils, fuels, metals, tires, construction and demolition materials.”

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve Aurora Women’s Softball League use of the baseball diamond at the Marilla Town Park on Wednesday evenings beginning May 26th until August 18th at 6:00 p.m. and one Monday night game. Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 11 building applications received totaling fees of \$1,967.00 building permits issued with a value of \$699,000, 25 inspections were made, and 3 complaints were acted on. A total of 210 acts of official business were made for the month of March. One Zoning Board application received with a fee of \$125.

Supervisor Foss stated that the deadline for exemptions with the Assessors is May 1st. He wanted to inform everyone that Earl Dabb was doing well after his operation and wished him a speedy recovery.

Planning Board minutes were received and posted, Chairman Debbie Zimmerman stated they are working on sign regulations and hope to be done next week.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Paul Robinson wanted to thank everyone for their support at the Chicken Barbeque and remind residents that the Ladies Auxiliary will be holding a meat raffle on April 17th at 6:00p.m.

Town Historian Hubert Kutter wanted to thank the Highway Department for doing the grading work at Three Rod Road and Williston. He reported that he received a draft copy

of the History Book from George Gertz. Trustees of the Historical Society chose plates and small town wooden buildings (General Store and Blacksmith shop) to sell for the Sesquicentennial. He wanted to commend Mary Beth Serafin for the superb job she is doing as President of the Historical Society.

Councilman Specht commented that it was nice to see young people attend the Board Meeting.

Supervisor Foss stated that the Marilla Cookbook is now on sale for \$10 at various locations, the cookbook was produced by the Marilla Senior Citizens, Marilla Home Bureau and the Porterville Home Bureau. The Historical Book should be ready in July.

Open Board Presentations

None

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 119-164	\$ 71,221.78
Highway Fund Claims, Vouchers 53-72	\$ 3,728.49
Special Districts	
Sanitation (SR), Vouchers 25-41	\$ 6,197.01
Special Fire, Voucher 3-5	\$ 204,031.26
Water District #2, Vouchers 7-8	\$ 2,503.07
Water District #3, Voucher 3	\$ 1,306.94
Water District #4, Voucher 3	\$ 789.34
Community Development PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:00 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk

_____ Councilman

_____ Councilman

_____ Supervisor

_____ Councilman

_____ Councilman